

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #11	CCRB Case #: 201603686	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/29/2016 9:40 AM	Location of Incident: § 87(2)(b)	Precinct: 25	18 Mo. SOL 10/29/2017	EO SOL 10/29/2017	
Date/Time CV Reported Fri, 04/29/2016 1:29 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/29/2016 1:56 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Jeanbart	19667	944677	PSA 5
2. SGT Shane Killilea	03372	927030	INT CIS
3. DTS Lenno Hendricks	04817	925441	E S U

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DTS Michael Oneill	07731	930880	E S U

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Jeanbart	Abuse: Police Officer Michael Jeanbart entered and searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
B.DTS Lenno Hendricks	Force: Detective Lenno Hendricks used physical force against § 87(2)(b)	§ 87(2)(b)
C.SGT Shane Killilea	Abuse: Sergeant Shane Killilea refused to provide his name to § 87(2)(b)	§ 87(2)(b)

Case Summary

On April 29, 2016, § 87(2)(b) called the CCRB to file this complaint on behalf of herself and her son, § 87(2)(b). That same day, while in police custody at PSA-5, § 87(2)(b) reported that he was punched in the face by an unidentified officer (Board Review 01). The corresponding IAB log was received at the CCRB on May 6, 2016.

On April 29, 2016, at approximately 9:40 a.m., PO Michael Jeanbart and additional officers from PSA-5, as well as officers from the Emergency Service Unit, executed a search warrant at § 87(2)(b) in Manhattan (**Allegation A**). Upon entry, Det. Lenno Hendricks of the Emergency Service Unit, identified by the investigation, allegedly punched § 87(2)(b) in the face (**Allegation B**). § 87(2)(b) asked the officers if they had a search warrant, and Sgt. Killilea, identified by the investigation, showed the search warrant to her. § 87(2)(b) requested Sgt. Killilea's name, and Sgt. Killilea allegedly told her he would talk to her when he was finished, but never did (**Allegation C**). § 87(2)(b) and his brother, § 87(2)(b) were arrested for § 87(2)(b) (Board Review 02, Board Review 03). § 87(2)(b) was not arrested or summonsed.

There is no video footage of this incident.

This case was originally assigned to Investigator Laura Kastner. Upon Investigator Kastner's promotion, it was reassigned to Investigator Cassandra Fenkel on June 14, 2016.

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation.
- As of June 3, 2016, a Notice of Claim has not been filed with the NYC Comptroller's Office regarding this incident (Board Review 04).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) and § 87(2)(b) (Board Review 07).
- PO Jeanbart has been a member-of-the-service for nine years and has one prior CCRB complaint involving two allegations, none of which were substantiated § 87(2)(g) [REDACTED]
- Det. Hendricks has been a member-of-the-service for 16 years and has six prior CCRB complaints involving 11 allegations, none of which were substantiated § 87(2)(g) [REDACTED]
- Sgt. Killilea has been a member-of-the-service for 15 years and has eight prior CCRB complaints involving 15 allegations. In CCRB case #200301499, two allegations of a retaliatory summons were substantiated, resulting in charges. Sgt. Killilea pled guilty and received a loss of seven vacation days. In CCRB case #200714633, a refusal to provide name and shield number allegation was closed as unsubstantiated.

Findings and Recommendations

Explanation of Subject Officer Identification

PO Jeanbart obtained the search warrant. § 87(2)(b), § 87(2)(g), § 87(2)(b)
§ 87(2)(b) (Board Review 08) described the officer who allegedly punched him as being the first officer to enter the hallway and carrying a shield and wearing a machine gun strapped across his torso. The Tactical Plan identified Det. Hendricks as the first MP5 machine gun operator (Board Review 09) and Det. Hendricks (Board Review 10) acknowledged having a physical interaction with § 87(2)(b) § 87(2)(g)
§ 87(2)(b) (Board Review 11) alleged that the officer who showed her the search warrant was the one who refused to provide his name upon her request. § 87(2)(g)

Allegations not pleaded

- **Guns pointed and property damage:** These allegations have been subsumed within the entry allegation.
- **Discourtesy:** § 87(2)(b) alleged that when § 87(2)(b) asked Det. Hendricks why he hit him, Det. Hendricks replied, “Because I can do what the fuck I wanna do, that’s why.” § 87(2)(b) did not allege that this statement was made, nor did he allege that Det. Hendricks used any profanity towards him. § 87(2)(g)

Allegation A – Abuse of Authority: Police Officer Michael Jeanbart entered and searched § 87(2)(b) in Manhattan.

It is undisputed that officers entered and searched § 87(2)(b) § 87(2)(b). Article 690.50 of the Criminal Procedure Law permits officers who have obtained a valid judge-issued search warrant to enter and search the location (Board Review 13). Search warrant § 87(2)(b), issued by § 87(2)(b) authorized officers to enter § 87(2)(b) and search the location for a firearm, ammunition, documents relating to the ownership and recent occupation of the location such as address books, calendars, personal papers, and any computer hardware, computer software, and cellular phones (Board Review 14). § 87(2)(g)

Allegation B – Abuse of Authority: Detective Lenno Hendricks used physical force against § 87(2)(b)

§ 87(2)(b) testified that he awoke to the sound of banging at the front door and exited from his bedroom into the hallway, possibly with his cell phone in his hand. § 87(2)(b) observed Det. Hendricks, identified by the investigation, running down the hallway. § 87(2)(b) did not hear Det. Hendricks or any other officer speak to him. As Det. Hendricks reached § 87(2)(b) he allegedly punched § 87(2)(b) in his left cheek with his right fist. § 87(2)(b) fell backwards and landed on his back. As a result of this punch, § 87(2)(b) said he sustained a scar, which was no longer visible at the time of his CCRB interview. § 87(2)(b) did not seek medical treatment for this injury.

§ 87(2)(b)'s arrest photograph depicts no visible injury (Board Review 15). § 87(2)(b) testified that from her living room, she observed officers walk down the hallway of the apartment. § 87(2)(b) exited from his bedroom, and Det. Hendricks ordered § 87(2)(b) to freeze. § 87(2)(b) said, "Hey!" and Det. Hendricks immediately let go of his gun and punched § 87(2)(b) in his nose and mouth area, knocking him back onto the floor of his bedroom. § 87(2)(b) lost sight of § 87(2)(b) at this point, but approximately 15 minutes later, she observed that § 87(2)(b)'s lip was bleeding. § 87(2)(b) (Board Review 16) did not observe § 87(2)(b)'s initial interaction with officers, but later observed that § 87(2)(b) had a cut lip. § 87(2)(b) did not see how § 87(2)(b) sustained this injury.

Det. Hendricks testified that he entered the apartment and made his way down the hallway with Det. Michael O'Neill from the Emergency Service Unit by his side. As Det. Hendricks prepared to enter a room on the right side of the hallway, the door to a bathroom on the left side opened, revealing § 87(2)(b) stepped into the hallway, and was nearly face-to-face with Det. Hendricks due to the small size of the hallway. Det. Hendricks was unable to see well, and he instructed § 87(2)(b) to "show your hands" and "get down." Though § 87(2)(b) had stepped out of the bathroom, his right shoulder and arm was still inside, which made Det. Hendricks fear that he may have had something in his hand. § 87(2)(b) did not comply with Det. Hendricks' orders, and continued to stand as he was while asking questions, though Det. Hendricks could not recall what § 87(2)(b) said. Det. Hendricks grabbed § 87(2)(b) by his shoulders and pulled him to the ground, where he handcuffed him. Det. Hendricks denied using any additional force against § 87(2)(b) including punching § 87(2)(b) in the face.

Det. O'Neill (Board Review 17) did not recall this incident, but denied that Det. Hendricks punched § 87(2)(b) in the face or used any physical force against him.

PO Jeanbart (Board Review 18) and Sgt. Killilea waited in the hallway outside of the apartment while the Emergency Service Unit officers secured the location. While waiting in the hallway, neither PO Jeanbart nor Sgt. Killilea heard any sounds indicative of a physical struggle.

§ 87(2)(g)

Allegation C – Sergeant Shane Killilea refused to provide his name to § 87(2)(b)

§ 87(2)(b) testified that as she was seated in the living room, Sgt. Killilea, identified by the investigation, called her to the hallway and showed her a copy of the search warrant. § 87(2)(b) asked to review the search warrant closer, and Sgt. Killilea told § 87(2)(b) that she could see it again when he was done. § 87(2)(b) also requested Sgt. Killilea's name, and he informed her that he would speak with her when he was finished, although he never did and § 87(2)(b) never obtained Sgt. Killilea's name.

§ 87(2)(b) did not raise this allegation in her initial phone call with the CCRB (Board Review 19), nor did § 87(2)(b) or § 87(2)(b) corroborate this allegation although they were positioned elsewhere inside of the apartment at this time.

Sgt. Killilea testified that he encountered § 87(2)(b) in the living room, introduced himself as "Sgt. Killilea from PSA-5" and provided § 87(2)(b) with a copy of the search warrant.

Sgt. Killilea did not recall § 87(2)(b) saying anything in response to being shown the search warrant, which she looked at for a few minutes. § 87(2)(b) did not specifically request Sgt. Killilea's name at any point.

PO Jeanbart corroborated Sgt. Killilea's account of this aspect of the incident. He testified that he observed Sgt. Killilea show § 87(2)(b) a copy of the search warrant and introduce himself as "Sgt. Killilea, PSA-5." PO Jeanbart did not hear § 87(2)(b) request Sgt. Killilea's name.

Det. Hendricks denied being present inside of the apartment at this time and Det. O'Neill did not recall this incident.

§ 87(2)(g)

Squad: #11

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date